

### **REMARKS**

#### **Objections to the Specification**

The Examiner has objected to the Specification because of various informalities. Applicants have corrected these informalities as suggested by the Examiner and respectfully request that the objections to the Specification be withdrawn.

#### **Objections to the Claims**

The Examiner has objected to claim 13 alleging that the word "of" in the phrase "comparing of the hyperlinks" is a typographical error and should be deleted, and that the term "web" should be inserted between the terms "target" and "pages." Applicants have amended claim 13 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claim 14 for the alleged inconsistent use of the term "hypertext." Applicants have amended claim 14 to recite "hyperlink" as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claims 16, 17, 26, 27, 58, 59, 68 and 69 alleging that the phrase "logically mismatched" should be inserted between the terms "A." and "link" in line 1 of the claims. Applicants respectfully disagree. Applicants submit that the condition detecting unit recited in each of the above-noted claims detects a link having a condition specified in each of the claims. Since the detected link conditions are specified in each of the claims, Applicants submit that amendment is not needed to distinguish the links recited in the claims from the stored links recited in claim 3. Applicants respectfully request that this rejection be withdrawn.

The Examiner has objected to claim 21 alleging that the indentation at the beginning of line 6 should be omitted, and at that the term "webpages" should be amended to recite "web

pages." Applicants have amended claim 21 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has subject to claim 22 as allegedly requiring the phrase "a second correction" in line 7 to be amended to recite "a second correction candidate," the term "third" to be inserted in line 10 between the terms "a" and "correction" and the term "fourth" to be inserted in line 13 between the terms "a" and "correction." Applicants have amended claim 22 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claim 35 alleging that the term "the" should be inserted between the terms "about" and "links" in line 5. Applicants have amended claim 35 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claims 36 and 37 alleging that the phrase "having a link on a target website to be checked" should be amended to recite "wherein a link to a target website is checked." Applicants have amended claims 36 and 37 as suggested by the Examiner and respectfully request that these rejections be withdrawn.

The Examiner has objected to claim 38 alleging that the term "logical" must be inserted between the terms "a" and "mismatch" in line 4, and the phrase "of said link" should be inserted at the end of line 10. Applicants have amended claim 38 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claim 39 alleging that the phrase "at least" should be inserted between the terms "said" and "three" in line 2. Applicants have amended claim 39 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claim 40 alleging that the phrase "at least" should be inserted between the terms "said" and "three" in line 3. Applicants have amended claim 40 as suggested by the Examiner. The Examiner also alleges that the term "candidate" in line 5 should be amended to "candidates" because three correction candidates are previously identified in the claim. However, since the claim recites "accepting *a correction candidate* for said at least three items," Applicants respectfully submit that the proper subsequent reference should be to "said correction *candidate*" as currently recited in the claim. Thus, amendment is not necessary. Applicants respectfully request that the objections to claim 40 be withdrawn.

The Examiner has objected to claim 55 alleging that the phrase phrases "link source descriptions of a plurality of" in line 5 and the phrase "a plurality of" in line 7 should be deleted, and the phrase "having a same source webpage" in line 10 should be amended to recite "having the same source webpage." Applicants submit that deleting the phrases as suggested by the Examiner is not necessary for clarity. Further, since the phrase "a same source webpage" is the first reference to a source webpage, proper antecedent basis requires the use of "a" rather than "the." Applicants respectfully request that the objection to claim 55 be withdrawn.

The Examiner has objected to claim 57 alleging that the phrase "link source descriptions of a plurality of" in line 5 should be deleted, and the phrase "for an associated link" should be inserted after the phrase "web page" in line 9. Applicants submit that deleting the phrase as suggested by the Examiner is not necessary for clarity. Further, Applicants submit that lines 9 and 10 of the claim currently recite "a third score calculated by detecting a period of validity in the contents of a target web page *for an associated link* and comparing said period of validity to

the present date and time." Thus, no claim amendment is necessary. Applicants respectfully request that the objection of claim 57 be withdrawn.

The Examiner has objected to claim 64 as allegedly requiring the phrase "a second correction" in line 7 to be amended to recite "a second correction candidate," the term "third" to be inserted in line 10 between the terms "a" and "correction" and the term "fourth" to be inserted in line 13 between the terms "a" and "correction." The Examiner has also objected to the indentation the beginning of line 2. Applicants have amended claim 64 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claims 67 and 69 for inconsistent indentations. Applicants have amended claims 67 and 69 as suggested by the Examiner and respectfully request that these rejections be withdrawn. Applicants note that claims 67 and 69 are identified as "currently amended" since they have been reformatted in order to overcome the Examiner's objections to the formatting of the claims. However, the formatting changes cannot be indicated by underlines and/or strike-throughs.

The Examiner has objected to claim 70 as containing a typographical error, specifically, the phrase "any one of" in line 1. Applicants have deleted the phrase "any one of" and respectfully request that this rejection be withdrawn.

The Examiner has objected to claim 77 alleging that the term "the" should be inserted between the terms "about" and "links." Applicants have amended claim 77 as suggested by the Examiner and respectfully request that this rejection be withdrawn.

The Examiner has objected to claims 78 and 79 alleging that the phrase "having a link on a target website to be checked" should be amended to recite "wherein a link to a target website is

checked." Applicants have amended claims 78 and 79 as suggested by the Examiner and respectfully request that these rejections be withdrawn.

### **Claim Rejections**

#### **Claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74 and 78**

Claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74 and 78 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants traverse these rejections.

The Examiner alleges that the apparatus recited in claim 1 comprises only software modules which are merely a set of instructions capable of being executing on a computer, and that a computer program itself is non-statutory *per se*.

As disclosed in the specification, for example at FIG. 32, an apparatus of the invention may include a data processing unit which realizes the functionality of the computer program (Specification, page 73, lines 12-20). The CAFC has held that such programming creates a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software. *In re Alappat*, 31 USPQ2d 1545, 1558 (CAFC 1994). Further, a computer program used in a computerized process where the computer executes the instructions set forth in the computer program is statutory subject matter. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory. MPEP § 2106. Therefore, contrary to the Examiner's

allegation, and in light of the Office requirements pertaining to § 101 of viewing the invention as a whole, the apparatus *is not* comprised solely of computer software.

The Examiner further alleges that the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful and tangible result. Applicants respectfully disagree with the Examiner's allegation that the claims recite an abstract idea, i.e., merely "detecting links." As required by the Office in determining compliance with § 101, Applicants' invention as a whole produces the "useful, concrete and tangible result" of detecting *logically mismatched links* in web pages. As in *State St. Bank*, in which the Federal Circuit held that generating a final share price constitutes "a useful, concrete and tangible result," *State St. Bank & Trust Co. v. Signature Fin. Group*, 149 F.3d 1368, 1373 (Fed. Cir. 1998), the logically mismatched links detected by exemplary embodiments of Applicants' invention constitute a useful, concrete and tangible result.

In light of the discussion above, Applicants submit that claim 1 is patentable under 35 U.S.C. § 101. For similar reasons, claims 3 and 45 are patentable. Claims 2, 4, 5, 7, 11-32, 35-37, 53-59, 72-74 and 78, which depend from one of claims 1, 3 and 45, are patentable at least by virtue of their dependence.

**Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79**

Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. PG Pub. No. 2002/0133514 to Bates *et al.* ("Bates").

Applicants respectfully submit that the Examiner has not established a *prima facie* case for anticipation since the Examiner has merely cited the entire Bates patent without indicating

which portions of the patent correspond to the claimed features. Since the goal of examination is to clearly articulate any rejection early in the prosecution process to allow Applicants the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity, Applicants respectfully request that the Examiner cite the specific portions of Bates which support the Examiner's allegations, or withdraw this rejection.

**Claims 14, 23 and 56**

Claims 14, 23 and 56 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bates, in view of U.S. PG Pub. No. 2002/0065720 to Carswell *et al.* ("Carswell").

Applicants respectfully submit that the Examiner has not established a *prima facie* case for obviousness since the Examiner has merely cited the entire Bates patent in combination with Carswell without indicating which portions of Bates correspond to the claimed features. However, even assuming, *arguendo*, that the relevant disclosure of Bates was known, the Examiner concedes that Bates fails to expressly disclose detecting a link having a mismatch between the hypertext appearing on a source webpage and a target webpage having expired content, as set forth in the claims. The Examiner alleges that Carswell provides such teaching.

The Examiner alleges that Carswell provides such teaching. Carswell, however, discloses that "[p]eriodic contact takes place over the network or other link between the coupon issuing server 12 and the recipe website server 50 **to provide new data and promotion symbols and remove those symbols** representing expired promotions" (paragraph [0100]). Thus, Carswell does not detect a link having a mismatch between the hypertext appearing on a source webpage and a target webpage having expired content, but merely provides new data and

promotion symbols for expired promotions. Carswell does not address *detecting links* to target webpage is having expired content.

Therefore, even if one of ordinary skill in the art at the time the invention was made had been motivated to combine the references, the combination would still not result in the features claimed by Applicants. Thus, claims 14, 23 and 56 are patentable over the combination of Bates and Carswell.

#### **Allowable Subject Matter**

Applicants thank the Examiner for the indication that claims 38-41 contain allowable subject matter and would be allowed if the claim objections are obviated. Applicants respectfully submit that the objections to claims 38-41 have been obviated and that these claims are now allowable.

Applicants also thank the Examiner for the indication that claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77 contain allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims, and if the claim objections are obviated. Applicants respectfully submit that the objections to the claims have been obviated. Further, Applicants submit that, as established above, claims 3, 45 and 46 are patentable. Since claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77 depend from one of claims 3, 45 and 46, claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77 are patentable at least by virtue of their dependence.



Amendment under 37 C.F.R. § 1.111  
U.S. Appln. No. 10/685,456

Atty. Docket No. Q77945

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis G. Plati Sr.', written over a horizontal line.

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